

Appendices

The following appendices that contain information supporting the DEIS/DEIR have been removed from the FEIS/FEIR:

- Appendix B Notice of Intent, Notice of Preparation
- Appendix C Title VI Policy
- Appendix D Technical Studies
- Appendix E Draft NEPA/404 Alternatives Analysis
- Appendix F Summary of Mitigation and Monitoring Commitments

The following new appendices of information relevant to the FEIS/FEIR have been added:

- Appendix B Comments Received on DEIS/DEIR
- Appendix C NEPA/404 Concurrence Letters
- Appendix D U.S. Fish and Wildlife Service Biological Opinion; NMFS Concurrence
- Appendix E Final NEPA/404(b)(1) Alternatives Analysis
- Appendix F Wetlands Only Practicable Alternative Finding
- Appendix G Summary of Mitigation and Monitoring Commitments
- Appendix H USFWS Species List
- Appendix I Relocation Assistance Advisory Service

Appendix A Coordination and Consultation

1. Design Change
2. Williamson Act Notification
3. State Historic Preservation Office (SHPO) Letters
4. USFWS Coordination for Special Status Species
5. USACOE Wetland Delineation verification

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
MARYSVILLE, CA 95901
TDD Telephone (916) 741-4509
FAX (530) 741-4457
Telephone (530) 741-4498



March 5, 2001

File: 03-But-70/149/99

KP Various

PM Various

EA 382200

Ms. Elizabeth Varnhagen
USEPA, Region 9
CMD-2
75 Hawthorne Street
San Francisco, CA 94105

Subject: Design change for Table Mt. Blvd. on Caltrans' SR 70/149/99 Highway
Improvement Project in Butte County, Between Chico and Oroville

Dear Ms. Varnhagen:

Caltrans has made a design change to the above referenced highway improvement project in Butte County. This change involves the alignment of SR 70 and Table Mt. Blvd. north of SR 149. The original design included extending Table Mt. Blvd. from its intersection with SR 70 (just north of the SR 70/149 intersection) north through the Berkeley Olive Association Historic District to SR 191. The Historic District is eligible for inclusion on the National Register of Historic Places, and therefore subject to considerations under Section 4(f) of the Department of Transportation Act. It has been determined through consultation with the Federal Highway Administration that a change in design is preferable to impacting the Historic District as originally proposed.

As shown on the enclosed exhibit, the project will now include the following:

- SR 70 will be realigned to the west of its current location, from the proposed SR 70/149 interchange to the SR 70/191 intersection.
- Table Mt. Blvd. will be extended north to join existing SR 70. This will become a frontage road, and will tie-in to SR 70 at the SR 191 intersection.

This design change will eliminate impacts to the Berkeley Olive Association Historic District. While this will slightly increase the impacts to oak woodlands, impacts to mixed riparian wetlands will be decreased.

The Draft Initial Study/Environmental Assessment will be available for review and comment within the next few months, and will reflect this design change. We look forward to further coordination with your agency. If you have any questions, please contact Monica Finn at (530) 682-6294, or Carolyn Rech at (916) 274-5824.

Sincerely,

Original Signed by

JEAN L. BAKER, Chief
Environmental Management, M-2 Branch

Attachment

cc: RC Slovensky, FHWA
Michael Aceituno, NMFS
Tom Cavanaugh, USACOE
Chris Nagano, USFWS
Jerry Bielfeldt, USFWS

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

P.O. BOX 911

MARYSVILLE, CA 95901

TDD Telephone (916) 741-4509

FAX (530) 741-4457

Telephone (530) 741-4598

February 1, 2000

03-But-70/149/99

PM 20.48/0.0-4.6/21.81

EA 382200

Darryl Young, Director
Department of Conservation
801 K Street, MS 24-01
Sacramento, CA 95814

Dear Mr. Young:

In accordance with Government Code Section 51291(b), this letter is to serve as notification of the possible acquisition of Williamson Act contracted land for a proposed highway improvement project in Butte County. The project will upgrade State Route 149 to a 4-lane expressway, and construct interchanges at the existing State Route 70/149 and 99/149 intersections. The purpose of the project is to improve safety at the existing SR 70/149 and SR 99/149 intersections, provide concept level of service C for the year 2020, and provide an interregional facility between Oroville and Chico.

The following attachments are included for your information:

- Project vicinity and location maps
- Butte County Conservation Agreement map, showing prime and non-prime Williamson Act designated parcels
- Williamson Act parcel acquisition spreadsheet, listing the amount of land proposed for acquisition
- Copies of Williamson Act contracts

As can be seen from the maps, right of way acquisition will be in the form of strips of land adjacent to the existing highway, and areas needed for the construction of interchanges and frontage roads.

Of the 28 Williamson Act parcels possibly affected by this project, contracts are attached for 5 of the parcels. Contracts for the remaining parcels were not available.

The total proposed acquisition of Williamson Act contracted land is approximately 195 acres, 9.5 acres of which are designated as prime agricultural land. The remaining area surrounding the project is also agriculturally zoned as primarily grazing and open land (with 40-acre minimum parcel sizes).

As to the explanation of preliminary consideration of Section 51292, this is a state highway project determined to be exempt from this requirement in Section 51293. In accordance with Section 51291(e) of the Government Code, notices and findings regarding Williamson Act parcels will also be contained within a CEQA document to be prepared by this office.

If your office has not contacted us within 30 days, we will assume you have no comments or concerns regarding this proposed acquisition. Please contact Sue Bauer at (530) 741-7113 if you have any questions.

Sincerely,

Original signed by

JEAN L. BAKER, Chief
Office of Environmental Management, M-2

Attachments

OPTIONAL FORM 29 (7-90)

STATE OF CALIFORNIA - THE RESOURCES AGENCY

FAX TRANSMITTAL

1 of pages = 2

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO CA 94296-0001
(916) 653-8624 Fax: (916) 653-9824
cphspoc@mail2.qwiknet.com

Janis Offermann Dist. 03 Environment (916) 741-4457 NEN 7540 01 317 7368	George Wishman (916) 498-5056 (916) 498-5008 5089-101
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MARCH 7, 2000

REPLY TO: FHWA000207A

David A. Nicol, Acting Division Administrator
Federal Highway Administration
California Division
980 Ninth Street, Suite 400
SACRAMENTO CA 95814-2724

Re: Widening of State Route 149 and the Construction of Interchanges at the Junction of Routes 149/70 and 149/99 north of Oroville, Butte County.

Dear Mr. Nicol:

Thank you for submitting to our office your February 3, 2000 letter and Historic Property Survey Report (HPSR) for the proposed widening of State Route (SR) 149 and the construction of interchanges at the Junction of SRs 149/70 and 149/99 north of Oroville in Butte County. The undertaking is designed to address problems encountered by drivers making the transition from the four-lane highways on Routes 70 and 99 to the existing two-lane highway on SR149. The accident rate at the junction of Routes 70 and 149 is currently eight times higher than the state average while the fatal accident rate at the junction of Routes 99 and 149 is 17 higher than the state average. The Area of Potential Effect (APE) for the undertaking, as described in the HPSR, is adequate and appears to meet the definition set forth in 36 CFR 800.16(d).

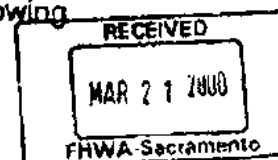
The Federal Highway Administration (FHWA) is seeking our comments on its determination of the eligibility of properties located within, or adjacent to, the project APE, for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations effective June 17, 1999 implementing Section 106 of the National Historic Preservation Act. These properties include the following:

- CA-BUT-1277H (the Wick Ranch)
- Gold Run Creek Homestead
- Dry Creek Tailings
- A segment of the Cherokee Mine Levee
- A World War II Practice Field
- The Berkeley Olive Association complex
- A Berkeley Olive Association Camp
- 15 bridge structures
- 20 pre and post-1954 structures

Our review of the submitted documentation leads us to concur with FHWA's determination that the following property is eligible for inclusion on the NRHP, at the level of local significance, under Criterion A as defined in 36 CFR 60.4:

- The Berkeley Olive Association Historic District which includes the following contributing structures:

- Headquarters (Bldg. #4 - Barn; Bldgs. #5 and #6 - Sheds)



- North Camp (Bldgs. 7A - 7I)
- Red Stucco Residence (Bldg. 8) and wood-clad garage (Bldg. 9)
- Stone Houses (Bldgs. #10 and Building #11)
- "Camp 1" (Bldgs. #17, #18, #19, #20, and #21)
- "Camp 2" (Bldgs. #22, #23, #24, #25, #26, and #27)

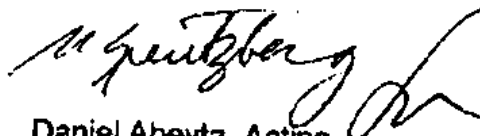
All of the aforementioned structures have strong associations with the development of the ripe olive industry in the Oroville area, and are surviving early examples of an olive growing culture that was one of the largest in the nation in the early 20th century.

We also concur with FHWA's determination that the 15 bridge structures and the remaining 20 pre and post-1954 structures are not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The structures have no strong associations with significant historical events or persons, and are not examples of outstanding engineering design or function. The remaining aforementioned properties noted in the HPSR are currently undergoing further evaluation for significance and eligibility for the NRHP. Our comments on the eligibility of these properties will be forthcoming pending receipt by our office of a completed package of additional documentation.

FHWA is also seeking our comments on its preliminary determination of the effects the proposed undertaking will have on historic properties in accordance with 36 CFR 800. The fact that all of the properties listed in the HPSR have not been completely evaluated, leaves us to conclude that comments regarding the effects of the proposed project on these properties would not be appropriate given the lack of information on their historic significance. This is especially true of FHWA's assessment of the unknown potential effects of the project on the World War II Practice Field and the Berkeley Olive Association Camp. To what extent are these properties affected by the undertaking given their potential historic eligibility status? Also, is the information submitted in the HPSR regarding the Gold Run Homestead, the Dry Creek Tailings, and the Cherokee Mine Levee truly sufficient for the FHWA to forward a preliminary determination of no effect for this undertaking? Is there the potential that additional information gathered during the still uncompleted evaluation might change this preliminary finding of effect?

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,



Daniel Abeyta, Acting
State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



September 20, 2000

REPLY TO: FHWA000207A

Michael G. Ritchie, Acting Division Administrator
Federal Highway Administration
California Division
980 Ninth Street, Suite 400
SACRAMENTO CA 95814-2724

Re: Widening of State Route 149 and the Construction of Interchanges at the Junction
of Routes 149/70 and 149/99 north of Oroville, Butte County.

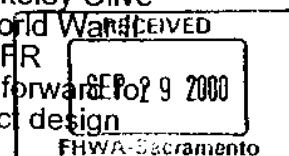
Dear Mr. Ritchie:

Thank you for submitting to our office your August 21, 2000 letter and Determination of Eligibility/Finding of Effect (DOE/FOE) documentation regarding the proposed widening of State Route 149 and the construction of interchanges at the junctions of State Routes (SR) 149/70 and 149/99 north of the City of Oroville in Butte County. The undertaking is designed to address problems encountered by drivers making the transition from the four-lane highways on Routes 70 and 99 to the existing two-lane highway on SR149. The accident rate at the junction of Routes 70 and 149 is currently eight times higher than the state average while the fatal accident rate at the junction of Routes 99 and 149 is 17 higher than the state average. In our letter of March 7, 2000, we stated that the Area of Potential Effect (APE) for the undertaking, as described in the previous HPSR, was adequate and appeared to meet the definition set forth in 36 CFR 800.16(d). The APE for this report was amended to include modifications required to accommodate an alternative that widens SR 149 entirely on the north side of the existing highway. We have no objection to the amended APE for this alternative.

In our March 7, 2000 letter we concurred with the Federal Highway Administration's (FHWA) determination that:

- The Berkeley Olive Association Historic District, a property located within the boundaries of the APE, was eligible for inclusion on the National Register of Historic Places (NRHP) under Criterion A as defined by 36 CFR 60.4.
- The 15 bridge structures and remaining 20 pre and post-1954 structures were not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4.

We were unable to comment on the finding of effects for the project at that time due to insufficient information on the historical significance of the properties being effected by the project. The properties included the Berkeley Olive Association Camp, the World War II Practice Field, the Gold Run Creek Homestead, the Dry Creek Tailings, and the Cherokee Mine Levee. It appears that most of the requested information has been forwarded in the current DOE/FOE documentation. We note however that FHWA has offered a determination of effect only for the Berkeley Olive Association Historic District, the Berkeley Olive Association Camp, the World War II Practice Field, and the Gold Run Creek Homestead site pursuant to 36 CFR 800.4(d)(1) and 36 CFR 800.16(l). No determinations of effect were put forward for the Dry Creek Tailings and the Cherokee Mine Levee due to recent project design modifications.



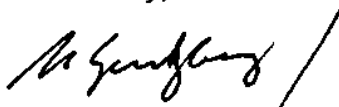
FHWA is seeking our comments on its determination of the eligibility of the Berkeley Olive Association Camp and the World War II Practice Field, two properties located within the project APE, for inclusion on the NRHP in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. FHWA is also seeking our comments on its determination of the effects the proposed project will have on historic properties in accordance with 36 CFR 800. Our review of the submitted DOE/FOE documentation leads us to concur with FHWA on the following:

- The Berkeley Olive Association Camp and the World War II Practice Field are not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The properties have no strong associations with significant historical events or persons, and are not examples of outstanding engineering design or function or significant cultural landscapes.
- All of the proposed alternatives for this project will have an adverse effect on Berkeley Olive Association Historic District. We will provide comments on your enclosed Memorandum of Agreement (MOA) addressing the effects of the proposed project in a timely manner.

We are still unable to render comments on the proposed project's potential effects on the Gold Run Creek Homestead site due to the fact that FHWA has not forwarded their decision on a preferred alternative for this project. The alternatives under consideration have the property located within or outside their respective APE's thus making it difficult to render comments based on actual eventualities. FHWA must forward a preferred alternative for this project and a finding of effect representative of the project's impacts on the Gold Run Creek Homestead. Upon receipt, we will comment on FHWA's finding of effect for the preferred project alternative. Please inform us if the preferred alternative also has the potential to affect the Dry Creek Tailings and Cherokee Mine Levee sites as well.

Thank you for seeking our comments regarding your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,



Daniel Abeyta, Acting
State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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June 11, 2001

REPLY TO: FHWA010418A

Michael G. Ritchie, Division Administrator
Federal Highway Administration
Region Nine, California Division
980 Ninth Street, Suite 400
SACRAMENTO CA 95814-2724

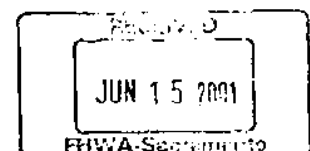
Re: Design Modifications to the State Route 70/149/99 Interchange Construction
Project, Butte County.

Dear Mr. Ritchie:

Thank you for submitting to our office your April 16, 2001 letter and Revised Finding of Effect (RFOE) regarding proposed modifications to the State Route (SR) 70/SR 149/SR 99 widening project in Butte County. The proposed project will widen SR 149 north of the City of Oroville, Butte County from two to four lanes and will add interchanges at the junctions with SR 70 and SR 99. SR 70 will also be widened to four lanes from its junction with SR 149 to the junction of SR 191. Our office responded to the original Historic Property Survey Report (HPSR) in our letter of March 7, 2000. In that letter, we concurred with the delineation of the Area of Potential Effects (APE) and with the Federal Highway Administration's determination that the Berkeley Olive Association Historic District was eligible for inclusion on the National Register of Historic Places (NRHP). In our letter of September 20, 2000 we determined that the Berkeley Olive Association Camp and the World War II Practice Field were ineligible for inclusion on the NRHP and that the proposed project, as then described, would have an adverse effect on the Berkeley Olive Association Historic District.

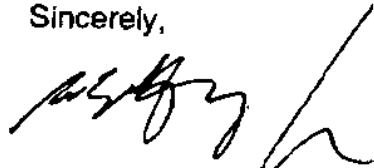
FHWA has explored alternatives that would avoid the use of lands in the Berkeley Olive Association Historic District for purposes of the proposed project. As a result, FHWA has revised the project design, whereby the existing State Route 70 adjacent to the Historic District would be converted to a frontage road, and the new four-lane section of SR 70 would be re-located to the west of the existing alignment. The revised APE for this project appears adequate and meets the definition set forth in 36 CFR 800.16(d).

FHWA is seeking our comments on its effects on the Berkeley Olive Historic District in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. Our review of the RFOE leads us to concur with FHWA's determination that the proposed project, as described, will have no effect on the Berkeley Olive Association Historic District. We commend FHWA on its efforts to avoid adverse impacts to historic properties on this project.



Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,

A handwritten signature in black ink, appearing to read 'Knox Mellon', with a long horizontal stroke extending to the right.

Dr. Knox Mellon
State Historic Preservation Officer

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION

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January 13, 2003

Gary N. Hamby, Division Administrator
California Division
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724
Attn: Brian Zewe

Reply To: FHWA000207A

Re: 03-BUT-70/149/99 03226-382200 Addendum to the Finding of Effect
for the Proposed Widening of SR 149 and Construction of Inter-
Changes at SRs 149/99 and 149/70 North of Oroville, Butte County, CA

Dear Mr. Hamby:

On December 30, 2002, I received from FHWA the subject addendum to the previously submitted Finding of Effect and Revised Finding of Effect prepared for the undertaking cited above. The current submittal continues the Section 106 consultation process for this undertaking that was initiated by FHWA in February of 2000.

FHWA has now selected a project alternative for construction and has delineated an APE for this alternative. The following properties, identified during previous phases of our consultation, are now located outside the undertaking's APE and therefore do not require further consideration: Gold Run Creek Homestead, Dry Creek Tailings, and Cherokee Mine Levee.

In addition, the APE delineated for the selected construction alternative excludes properties previously determined through consensus to be eligible for inclusion in the National Register. Accordingly, FHWA has found pursuant to 36 CFR § 800.4(d)(1), that the undertaking as now proposed will have no effect on historic properties.

Having considered all of the documentation, determinations and findings submitted by FHWA for my comment regarding this undertaking, I have concluded that FHWA has complied satisfactorily with the requirements of § 800.4(a) through (c), inclusive, and I therefore do not object to the FHWA finding made pursuant to § 800.4(d)(1), that no historic properties will be affected by this undertaking.

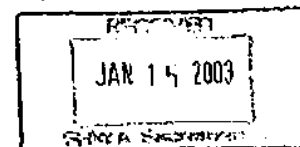
I recognize and commend the efforts made by FHWA and the California Department of Transportation to develop and implement an undertaking that avoids effects to historic properties.

If you have any questions, please contact Hans Kreutzberg, Supervisor, Cultural Resources Program, State Office of Historic Preservation.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer



DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
MARYSVILLE, CA 95901
TDD Telephone (916) 741-4509
FAX (530) 741-4457
Telephone (530) 741-4499



October 17, 2000

03-BUT 149/99/70
SR 149 Improvements
Between SR 70 & 99
03-382200

Mr. Wayne White, Field Supervisor
U.S. Fish and Wildlife Service
Endangered Species Branch
2800 Cottage Way
Sacramento, CA 95825

Attn: Chris Nagano

Subject: Request for Informal Consultation for Caltrans SR 99/149/70
Improvement Project in Butte County, between Oroville and Chico.

Dear Mr. Nagano:

The California Department of Transportation (Caltrans) in conjunction with the Federal Highway Administration is proposing a highway improvement project on State Route (SR) 149 in Butte County, California. SR 149 is located southeast of Chico and northwest of Oroville. This project proposes to widen the existing two-lane highway to a four-lane expressway and construct new interchanges at SR 149/70 and SR 149/99. The NEPA/404 Integration Process was initiated in March 1999 and concurrence to purpose, need, criteria and range of alternatives was received in September 1999.

Attached is a copy of the 404(b)(1) Alternatives Analysis and Natural Environment Study Report. With the transmittal of these documents, Caltrans would like to initiate informal consultation and obtain your agency's input. Caltrans anticipates circulation of the environmental document in November 2000, and holding a multi-agency meeting to identify the Least Environmentally Damaging Practicable Alternative (LEDPA) in December 2000.

Please review the attached information and provide Caltrans with any comments. If you have any questions, please contact project biologist Monica Finn at (530) 740-4814 or at Monica_Finn@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Collison". The signature is fluid and cursive, with the first name "Chris" and last name "Collison" clearly distinguishable.

Chris Collison, Chief
Office of Biological Studies
Caltrans District 3

Attachments

CC:

Jerry Bielfeldt, USFWS

Larry Vinzant, USACOE

Kelly Finn, NMFS

David Tomsovic, EPA

Kathleen A. Dadey, EPA



DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
MARYSVILLE, CA 95901
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Telephone (530) 741-4498

October 17, 2000

03-BUT 149/99/70
SR 149 Improvements
Between SR 70 & 99
03-382200

Mr. Michael Aceituno, Team Leader
Central Valley, National Marine Fisheries Services
650 Capitol Mall, Suite 6070
Sacramento, CA 95814

Attn: Kelly Finn

Subject: Request for Informal Consultation for Caltrans SR 99/149/70
Improvement Project in Butte County, between Oroville and Chico.

Dear Mr. Aceituno:

The California Department of Transportation (Caltrans) in conjunction with the Federal Highway Administration proposes a highway improvement project on State Route (SR) 149 in Butte County, California. SR 149 is located southeast of Chico and northwest of Oroville. This project proposes to widen the existing two-lane highway to a four-lane expressway and construct new interchanges at SR 149/70 and SR 149/99. The NEPA/404 Integration Process was initiated in March 1999 and concurrence to purpose, need, criteria and range of alternatives was received in September 1999.

Attached is a copy of the 404(b)(1) Alternatives Analysis and Natural Environment Study Report. With the transmittal of these documents, Caltrans would like to initiate informal consultation and obtain your agency's input. Caltrans anticipates circulation of the environmental document in November 2000, and holding a multi-agency meeting to identify the Least Environmentally Damaging Practicable Alternative (LEDPA) in December 2000.

Please review the attached information and provide Caltrans with any comments. If you have any questions, please contact project biologist Monica Finn at (530) 740-4814 or at Monica_Finn@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Collison". The signature is fluid and cursive, with the first name "Chris" and last name "Collison" clearly distinguishable.

Chris Collison, Chief
Office of Biological Studies
Caltrans District 3

Attachments

CC:

Chris Nagano, USFWS
Jerry Bielfeldt, USFWS
Larry Vinzant, USACOE
David Tomsovic, EPA
Kathleen A. Dadey, EPA



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
February 21, 2002

Regulatory Branch (199700165)

Jean Baker
California Department of Transportation
P.O. Box 911
Marysville, California 95901

Dear Ms. Baker:

This letter concerns the delineation of waters of the United States, including wetlands, dated November 26, 2001 for the Butte 70/99/149/191 project, submitted to this office for verification. The project area is located within Butte County, California.

Based on a site inspection conducted by Tom Cavanaugh of this office, we concur with the estimate of waters of the United States, as depicted on the "Study Area For the Butte 70/99/149/191 Project, dated November 8, 2001. Approximately 118.35 acres of waters of the United States, including wetlands, exist within the "Widen South" alternative. Approximately 121.60 acres of waters of the United States, including wetlands, exist within the "Widen North" alternative. Approximately 117.97 acres of waters of the United States, including wetlands, exist within the "Avoid Butte County Meadowfoam" alternative. These areas are regulated by this office under Section 404 of the Clean Water Act since they are tributary to tributaries of the Sacramento River.

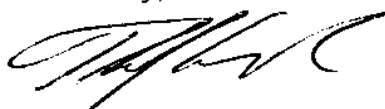
Under Section 404 of the Clean Water Act, a Department of the Army (DA) permit is required prior to discharging dredged or fill materials into waters of the United States. The type of permit required will depend on a number of factors, including the type and amount of waters affected by the discharge. For more information on how to obtain a DA permit from our office, please visit our website at <http://www.spk.usace.army.mil/cespk-co/regulatory/>.

Please note that any disclaimer of jurisdiction made in this letter is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to those areas where we disclaimed jurisdiction. In particular, a proposed discharge into one of these areas may still be regulated by the California State Water Resources Board. As such, you may need to submit a Report of Waste Discharge to the appropriate Regional Water Quality Board.

This verification is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date. A notice of appeal options is enclosed.

Please refer to identification number 199700165 in future correspondence concerning this project. If you have any questions, please write to Tom Cavanaugh, Room 1480 at the letterhead address, or telephone (916)557-5261.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Cavanaugh', with a stylized flourish at the end.

Tom Cavanaugh
Chief, Sacramento Valley Office

Enclosure

Copies Furnished w/o enclosure:

Mr. Oscar Balaguer, Chief, Water Quality Certification Unit, California State Water Resources
Control Board, 1001 I Street, Sacramento, California 95814



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number: 199700165	Date: February 21, 2002
Attached is:	See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (STANDARD PERMIT OR LETTER OF PERMISSION)	A
<input type="checkbox"/>	PROFFERED PERMIT (STANDARD PERMIT OR LETTER OF PERMISSION)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cccw/reg> or Corps Regulations 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the **District Engineer** for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the **District Engineer**. The **District Engineer** must receive your objections within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the **District Engineer** will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the **District Engineer** will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the **District Engineer** for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the **Division (not District) Engineer** (address on reverse). The **Division Engineer** must receive this form within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the **Division (not District) Engineer** (address on reverse). The **Division Engineer** must receive this form within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the **Division (not District) Engineer**. The **Division Engineer** must receive this form within 60 days of the date of this notice. Exception: JD appeals based on new information must be submitted to the **District Engineer** within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further information. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: (The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.)

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
District Engineer
US Army Corps of Engineers, Sacramento District, CESPK-CO-R
ATTN: Regulatory Branch, Thomas Cavanaugh
1325 J Street, Sacramento, CA 95814-2922 (916-557-5250)
(Use this address for submittals to the District Engineer)

If you only have questions regarding the appeal process you may also contact:
Division Engineer
US Army Corps of Engineers, South Pacific Division, CESPD-CM-O
ATTN: Doug Pomeroy, Administrative Appeal Review Officer
333 Market Street, San Francisco, CA 94105 (415-977-8035)
(Use this address for submittals to the Division Engineer.)

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of Appellant or Agent	Date	Telephone Number
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